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Lipsitz & McAllister, LLC
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EXAMINER

HOSSAIN, FARZANA E

ART UNIT PAPER NUMBER

2623

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/036,560	SAFADI ET AL.	
	Examiner	Art Unit	
	Farzana E. Hossain	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-118 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-118 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8-02-04, 04-03-02, 04-08-03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 08/02/04 included reference WO 01/75562, which was not in the file. A copy has been provided.

Drawings

2. The figure has not been labeled. The figure should be labeled as Figure 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-9, 11, 23, 26, 31-35, 37-40, 42, 54, 57, 62-66, 68-69, 71, 83, 85, 90-94, 96, 97, 99, 111, 113, 118 are rejected under 35 U.S.C. 102(e) as being anticipated by Son et al (US 2002/0026645 and hereafter referred to as "Son"). *Note:*

Son et al (US 2002/0047899 and hereafter referred to as "Son2") is incorporated by reference in its entirety.

Regarding Claim 1 and 32, Son discloses a system for providing streaming media (Figure 1, 148) in an existing video delivery system (Figure 1, 100) operated by a system operator or manager (Page 6, paragraph 0057), comprising: a headend (Figure 1, 101), which delivers video or media content using an existing delivery network (Figure 1, 104, 106, 108,110) to a consumer device (Figure 1, 115, 122, 128, 132); a plurality of consumer devices (Figure 1, 115, 122, 128, 132) communicating with the headend (Figure 1, Figure 2) via an existing delivery network (Figure 1, 104, 106, 108,110); a player for streaming media content is securely downloaded to a consumer device from a headend via an existing delivery network or downloading content (including players) via checking identification and permissions to the content (Page 6, paragraph 0059, Page 4, paragraph 0039) and the processor processes the streaming media content for delivery over the network to the consumer device (Figure 1, 146, Figure 1, 144) so that the consumer device which includes one or more media players running on the computer system which perform the necessary processes to play the media content whether video or audio which reads on decoding and display (Figure 1, 122, 128, 132, Figure 1, 122, 128, 132, Page 3, paragraphs 0033).

Regarding Claim 63 and 91, Son discloses a system for providing streaming media (Figure 1, 148), in an existing video delivery system (Figure 1, 100) by a system operator or manager (Page 6, paragraph 0057), comprising: a headend (Figure 1, 138), which delivers video or media content using an existing delivery network (Figure 1, 104,

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106, 108,110), a plurality of consumer devices (Figure 1, 122, 128,132) communicating with the headend (Figure 1, Figure 2) via an existing delivery network (Figure 1, 108, 136,110); a plurality of consumer appliances (Figure 1, 122, 128, 132); a transcoder or packet processor for transcoding the content based on the network (Figure 1, 144) and an existing delivery network (Figure 1, 138, 104, 108, 136,110, 122, 128,132) for delivering the transcoded streaming media content from the headend to the consumer device (Figure 1) so that the consumer device which may includes one or more media players running on the computer system which perform the necessary processes to play the media content whether video or audio which reads on decoding and display (Figure 1, 122, 128, 132, Page 3, paragraphs 0033). Son2 discloses a transcoder or packet processor (Figure 1, 144) located at the headend (Figure 1, 138) for transcoding the streaming media content from a first format to a second format compatible with a consumer device (Page 5, paragraph 0050).

Regarding Claims 2, 33, 68 and 96, Son discloses all limitations of Claims 1, 32, 63 and 91 respectively. Son discloses packet processor or MPEG processor encapsulating the stream media content in an MPEG-2 transport stream (Pages 2-4, paragraphs 0028-0029, 0036). Son2 discloses that the packet processor encapsulates the streaming media content in a transport stream (Page 3, paragraph 0037), the stream can be in MPEG-2 (Page 5, paragraph 0050); the stream can be transcoded based on a compatible format (Page 5, paragraph 0050, 0061).

Regarding Claims 3, 34, 69 and 97, Son discloses all limitations of Claims 2, 33, 68 and 96 respectively. Son discloses that the packet or MPEG processor combines

transcoded packets and performs statistical multiplexing, which reads on multiplexing the MPEG-2 transport streams with other transport streams to provide a multiplexed stream for delivery (Page 3, paragraph 0035). Son2 discloses statistical multiplexing (Page 4, paragraph 0045-0048).

Regarding Claims 4, 35, 66 and 94, Son discloses all limitations of Claims 1, 32, 63 and 91 respectively. Son discloses that the media can be streamed over an existing network, which can be cable, DSL, satellite and terrestrial networks (Figure 1, 108, 110, Page 2, paragraph 0021) and formatting the streaming media content for transport via DOCSIS (Page 5, paragraph 0046).

Regarding Claims 6 and 37, Son discloses all the limitations of Claims 1 and 32 respectively. Son discloses a transcoder (Figure 1, 144) that transcodes streaming content based on the access network. Son2 discloses details of preprocessing the streaming content (Figure 1). Son2 discloses a transcoder or packet processor (Figure 1, 144) located at the headend (Figure 1, 138) for transcoding the streaming media content from a first format to a second format compatible with a consumer device (Page 5, paragraphs 0050, 0061).

Regarding Claims 7, 38, 64, 92, Son discloses all limitations of Claims 6, 37, 63 and 91 respectively. Son discloses that there are different formats (Page 3, paragraph 0033). Son2 discloses that the second format is suitable with a consumer device (Page 5, paragraphs 0050, 0061) and that the suitable format can be MPEG 2 (Page 5, paragraph 0050).

Regarding Claims 8, 39, 65 and 93, Son discloses all limitations of Claims 7, 38, 64 and 92 respectively. Son discloses that the packet or MPEG processor combines transcoded packets and performs statistical multiplexing, which reads on multiplexing the MPEG-2 transport streams with other transport streams to provide a multiplexed stream for delivery (Page 3, paragraph 0035). Son2 discloses statistical multiplexing (Page 4, paragraph 0045-0048).

Regarding Claims 9 and 40, Son discloses all limitations of Claims 6 and 37 respectively. Son discloses MPEG processor encapsulating the stream media content in an MPEG-2 transport stream (Pages 2-4, paragraphs 0028-0029, 0036). Son2 discloses the MPEG-2 transport stream (Page 5, paragraphs 0050, 0061). Son discloses packet processor or MPEG processor encapsulating the stream media content in an MPEG-2 transport stream (Pages 2-4, paragraphs 0028-0029, 0036). Son2 discloses that the packet processor encapsulates the streaming media content in a transport stream (Page 3, paragraph 0037), the stream can be in MPEG-2 (Page 5, paragraph 0050); the stream can be transcoded based on a compatible format (Page 5, paragraph 0050, 0061).

Regarding Claims 11, 42, 71 and 99, Son discloses all limitations of Claims 1, 32, 63 and 91 respectively. Son discloses the headend downloading an application program such as a video player (Page 6, paragraph 0059) and that the user can download content (including players) occurs after checking identification and permissions to the content (Page 6, paragraph 0059, Page 4, paragraph 0039). Son2 discloses that a software module can be downloaded to the subscriber (Page 4,

paragraph 0045). Son2 discloses that preprocessing which includes determining the type of player the user has and performing a different encoding scheme of the streaming media content or transcoding (decoding and encoding) the content based on the player (Page 5, paragraph 0045, 0061).

Regarding Claims 23, 54, 83 and 111, Son discloses all limitations of Claims 1, 32, 63 and 91 respectively. Son discloses that the streaming media content is provided the system operator (Page 2, paragraph 0028, Page 6, paragraphs 0055, 0056).

Regarding Claims 26, 57, 85 and 113, Son discloses all limitations of Claims 1, 32, 63 and 91 respectively. Son discloses that the content is offered by the system operator on a pay per use basis (Figure 4, 102₃, Page 4, paragraph 0039) or the user can request a pay per view movie from the pay per view server, which reads on pay per use and an on demand basis (Figure 4, 102₁, Page 4, paragraph 0039) or the user requesting a video on demand or VOD movie or program.

Regarding Claims 31, 62, 90 and 118, Son discloses all limitations of Claims 1, 32, 63 and 91 respectively. Son discloses that the existing video delivery system comprises at least one of a cable video delivery system (Figure 2, 110) or satellite video delivery system (Page 4, paragraph 0041) or a terrestrial or off air network (Page 4, paragraph 0041).

5. Claims 63, 91 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai et al (US 6,407,680 and hereafter referred to as "Lai").

Regarding Claim 63 and 91, Lai discloses a system for providing streaming media (Figure 2, 222, Figure 5, 524) in an existing video delivery system or server with a computer network (Column 6, lines 35-40), comprising: a media transcoding engine (Figure 1, 106, Figure 2, 106) using an existing delivery network such as the Internet reads on a video delivery system headend; a viewer or viewers with different media players or viewer clients or client appliances (Column 7, lines 56-65, Figure 1, 102); a transcoder (Figure 2, 218) located at the headend or media transcoding engine (Figure 1, 106, Figure 2, 106) for transcoding the streaming media content from a first format to a second format compatible with a consumer device (Column 10, lines 24-25, Column 16, lines 46-67, Column 17, lines 1-1-9, Column 7, lines 4-9), and an existing delivery network (Figure 1, 108) for delivering the transcoded streaming media content from the headend to the consumer device so that the viewer client which includes one or more media players running on the computer system which perform the necessary processes to play the media content whether video or audio which reads on decoding and display (Column 6, lines 55-65, Figure 1, 106).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 25, 36, 56, 67, 84, 95, 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Goode (US 2004/02260044).

Regarding Claims 5, 25, 36, 56, 67, 84, 95, 112, Son discloses all limitations of Claims 4, 1, 35, 32, 66, 63, 94, and 91 respectively. Son discloses streaming content such as video on demand from a video stream server over cable or satellite networks. Son is silent on updating channel maps to reflect the presence of streaming media content. Goode discloses a headend with an on demand source or content provider providing video programming to subscriber stations or consumer devices upon request (Page 3, paragraph 0030) over an existing network (Figure 1, 104, Figure 2, 104). Goode disclose a channel map, which includes for each channel a corresponding column for frequency and program's identity and whether the programs are on demand. The Session Control Manager of the headend processing requests of the subscriber and updates the channel map to reflect the on demand programming (Page 5, paragraph 0052). Therefore, it would have been obvious to one of ordinary skill in the art to modify Son updates the channel map to reflect the on demand programming (Page 5, paragraph 0052) as taught by Goode in order to provide a greater number of programs (Page 1, paragraph 0007) as disclosed by Goode.

8. Claims 10, 24, 41, 55, 70, 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Komuro (US 6,195,678).

Regarding Claims 10, 41, 70, 98, Son discloses all limitations of Claims 1, 32, 63 and 91 respectively. Son discloses downloading a player from the headend to the

consumer device (Page 6, paragraph 0059), but is silent on securely downloading a substitute player. Komuro disclose that a substitute player is securely downloaded to the consumer device in place of an existing player to accommodate a different encoding scheme of the streaming media content or a player with a different version is need to replace the existing player in order to play the selected movie such as a different version of the player program is needed (Column 13, lines 56-59, Figure 9, S22-S25, S32). It is inherent that different versions of the same program can require different encoding schemes as a newer version has new or updated features the previous version did not have. Therefore, it would have been obvious to one of ordinary skill in the art to modify Son to securely download a substitute player to the consumer device in place of an existing player to accommodate a different encoding scheme of the streaming media content (Column 13, lines 56-59, Figure 9, S22-S25, S32) as taught by Komuro in order to allow a user to play a video on his computer with the correct player program (Column 1, lines 27-35) as disclosed by Komuro.

Regarding Claims 24 and 55, Son discloses all limitations of Claims 1 and 32 respectively. Son discloses that the player is downloaded from the headend. Son is silent on the player being the system operator's player. Komuro discloses that the player is a system operator's player (Figure 8, F11, F21). Therefore, it would have been obvious to one of ordinary skill in the art to modify Son to that the player is a system operator's player (Figure 8, F11, F21) as taught by Komuro in order to allow a user to play a video on his computer with the correct player program (Column 1, lines 27-35) as disclosed by Komuro.

9. Claims 13, 14, 44, 45, 73, 74, 101, 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Brown et al (US 2004/0210633 and hereafter referred to as "Brown").

Regarding Claims 13 and 44, Son discloses all the limitations of Claim 1 and 32 respectively. Son discloses that a player or software of a player can be downloaded (Page 6, paragraph 0059) and that in order to download content (can be any content electronically distributed or streamed (Page 1, paragraph 0021)) the permissions table needs to be checked (Page 4, paragraph 0039). Son is silent on the walled garden. Brown discloses a system, which allows a user to request content via a network (Figure 1, Figure 4). Brown discloses that a system operator's walled garden (Page 4, paragraph 0046) permits the user to download content within the garden if the user has permission (Page 3, paragraph 0032, Page 4, paragraph 0047-0049). Brown also discloses that the system can restrict the ability of a user to download software from the Internet or restrict client to only resources available to the private network, which has the walled garden (Page 3, paragraph 0033). It is necessarily included that if software cannot be downloaded via the Internet or is only available in the private network that software includes software for a player. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Son to securely download a player from within the system operator's walled garden (Page 3, paragraphs 0032-0033, Page 4, paragraphs 0047-0049) as taught by Brown in order enhance security (Page 1, paragraph 0010) as disclosed by Brown.

Regarding Claims 73, 101, Son discloses that in order to download content (can be any content electronically distributed or streamed (Page 1, paragraph 0021)) the permissions table needs to be checked (Page 4, paragraph 0039). Son is silent on the walled garden. Brown discloses a system, which allows a user to request content via a network (Figure 1, Figure 4). Brown discloses that a system operator's walled garden (Page 4, paragraph 0046) permits the user to download content within the garden if the user has permission (Page 3, paragraph 0032, Page 4, paragraph 0047-0049). Brown also discloses that the system can restrict the client to only resources available to the private network, which has the walled garden (Page 3, paragraph 0033). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Son to include media content is provided from within the system operator's walled garden (Page 3, paragraph 0032, Page 4, paragraph 0047-0049) as taught by Brown in order enhance security (Page 1, paragraph 0010) as disclosed by Brown.

Regarding Claims 14, 45, Son and Brown discloses all limitations of Claims 13, 44 respectively. Son discloses that in order to download content (can be any content electronically distributed or streamed (Page 1, paragraph 0021)) the permissions table needs to be checked (Page 4, paragraph 0039). Son is silent on the content provided from outside of the walled garden. Brown discloses a system, which allows a user to request content via a network (Figure 1, Figure 4). Brown discloses that a system operator's walled garden (Page 4, paragraph 0046) permits the user to download content within the garden if the user has permission (Page 3, paragraph 0032, Page 4,

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paragraph 0047-0049). Brown also discloses that the system can restrict the client to only resources available to the private network, which has the walled garden or to only restrict some content outside the walled garden such as software downloads (Page 3, paragraph 0033). Brown discloses the user can request content from the Internet or outside the walled garden (Page 5, paragraph 0059).

Regarding Claims 74, 102, Son discloses all limitations of Claims 63 and 91 respectively. Son discloses that in order to download content (can be any content electronically distributed or streamed (Page 1, paragraph 0021)) the permissions table needs to be checked (Page 4, paragraph 0039). Son is silent on the content provided from outside of the walled garden. Brown discloses a system, which allows a user to request content via a network (Figure 1, Figure 4). Brown discloses that a system operator's walled garden (Page 4, paragraph 0046) permits the user to download content within the garden if the user has permission (Page 3, paragraph 0032, Page 4, paragraph 0047-0049). Brown also discloses that the system can restrict the client to only resources available to the private network, which has the walled garden or to only restrict some content outside the walled garden such as software downloads (Page 3, paragraph 0033). Brown discloses the user can request content from the Internet or outside the walled garden (Page 5, paragraph 0059). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Son to include media content is provided from outside the system operator's walled garden (Page 3, paragraph 0033, Page 4, paragraph 0047-0049, Page 5, paragraph

0059) as taught by Brown in order enhance security (Page 1, paragraph 0010) as disclosed by Brown.

10. Claims 15, 17-19, 21, 46, 48-50, 52, 75, 77-79, 81, 103, 105-107, 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Lipscomb et al (US 7,020,704 and hereafter referred to as "Lipscomb").

Regarding Claims 15, 46, 75, 103, Son discloses all limitations of Claims 1, 32, 63 and 91 respectively. Son is silent on a percentage of a fee for delivery of the streaming media content is provided from a streaming media content provider to a system operator. See above rejections. Lipscomb discloses that the portal (with a system operator or manager) will share in the licensed fee with the media asset content owner or content provider (Column 12, lines 48-60), which reads on a percentage of a fee for delivering the content to viewers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Son to include a percentage of a fee for delivery of the streaming media content is provided from a streaming media content provider to a system operator (Column 12, lines 48-60) as taught by Lipscomb in order to distribute media assets to a user that is licensed for the assets (Column 1, lines 33-42) as disclosed by Lipscomb.

Regarding Claims 17, 48, 77, 105, Son discloses all limitations of Claims 1, 32, 63 and 91 respectively. Son is silent on conditional access provided on a conditional access basis. Lipscomb discloses a system for providing streaming media (Figure 1, Column 2, lines 34-36) in an existing video delivery system (Figure 1) operated by a

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system operator (Column 5, line 30), comprising: a portal or a computer server (Figure 1, 300), which delivers video or media content using an existing delivery network (Figure 1, 400) such as the Internet reads on a video delivery system headend; a viewer or viewers with different media players or consumer devices (Column 3, lines 25-28, Figure 1, 200) communicating with the headend or portal (Figure 1, Figure 2) via an existing delivery network (Figure 1, 400 Figure 2, 400); and the portal processes the streaming media content for delivery over the network to the consumer device (Column 4, lines 11-10). Lipscomb discloses that the portal (which has an operator) manages the user information including subscription charge or other billing and price plans for the media assets a user desires which reads on content is provided on a conditional access basis by the system operator (Column 4, lines 15-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Son to include content is provided on a conditional access basis by the system operator (Column 4, lines 15-19) as taught by Lipscomb in order to distribute media assets to a user that is licensed for the assets (Column 1, lines 33-42) as disclosed by Lipscomb.

Regarding Claims 18, 49, 78, 106, Son discloses all limitations of Claims 1, 32, 63 and 91 respectively. Son is silent on digital rights management. See rejection of Claims 17, 48, 77, and 105. Lipscomb discloses that the portal (which has an operator) manages rights management or digital rights asset management (DRM), which reads on providing DRM by the system operator (Column 3, lines 33-43, Column 11, lines 34-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Son to providing DRM by the system operator

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(Column 3, lines 33-43) as taught by Lipscomb in order to distribute media assets to a user that is licensed for the assets (Column 1, lines 33-42) as disclosed by Lipscomb.

Regarding Claims 19, 50, 79, 107, Son and Lipscomb disclose all limitations of Claims 18, 49, 78 and 106 respectively. Lipscomb discloses that encrypting the streaming media content for secure delivery (Column 3, lines 33-43, Column 11, lines 34-43).

Regarding Claims 21, 52, 81, 109, Son and Lipscomb disclose all limitations of Claims 18, 49, 78 and 106 respectively. Lipscomb discloses that media industry wants to be protected from piracy of artist's intellectual property (Column 11, lines 25-31) and media is protected by DRM at the portal (Column 3, lines 33-43, Column 11, lines 34-43). It is inherent that the DRM is converted to the portal's DRM as the media owner is transmitting licensed data to the portal and the portal encrypts and watermarks the licensed data for delivery to the viewer.

11. Claim 20, 51, 80, 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Lipscomb as applied to claims 18, 49, 78, 106 above, and further in view of XrML- The Technology Standard for Trusted Systems in the eContent Marketplace (web.archive.org/web/20000816230344/http://www.xrml.org/about.htm and hereafter referred to as "About").

Regarding Claims 20, 51, 80, 108, Son and Lipscomb disclose all limitations of Claims 18, 49, 78 and 106 respectively. Son and Lipscomb are silent on DRM being enabled using extensible rights markup language (XrML). About discloses that digital

content including books, music, and software can be bought and sold in trusted systems with DRM. About discloses that DRM is enabled by the standard XrML (Pages 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art to modify at the time the invention was made to modify Son in view of Lipscomb to include that DRM is enabled by XrML (Pages 1-2) as taught by About in order to provide a way to enforce licenses (Pages 1-2) as disclosed by About.

12. Claims 22, 53, 82, 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Lipscomb as applied to claims 18, 49, 78, 106 above, and further in view of Lockhart et al (US 2006/0041748 and hereafter referred to as "Lockhart").

Regarding Claims 22, 53, 82, 110, Son and Lipscomb disclose all limitations of Claims 18, 49, 78 and 106 respectively. Son and Lipscomb are silent on the consumer device accommodating multiple DRM software implementations. Lockhart discloses a system to protect and grant rights to content from a content provider including video and music (Page 3, paragraph 0051) Lockhart discloses a clearing house, which manages or administrates e-commerce (Page 3, paragraph 0054) for the consumer. Lockhart discloses that there are multiple DRM schemes that different third parties use and cause consumers to need multiple permits from multiple locations (Page 4, paragraph 0057). Lockhart discloses that a user has a consumer device (Figure 1, 110) to deal with numerous DRM architectures for different content (Page 5, paragraphs 0070-0071, Pages 8-9, paragraph 0103). Therefore, it would have been obvious to one of ordinary

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skill in the art at the time the invention was made to modify Son in view of Lipscomb to include the consumer device to accommodate multiple DRM software implementations (Page 5, paragraphs 0070-0071, Pages 8-9, paragraph 0103) as taught by Lockhart in order integrate incompatible data right management architectures (Page 2, paragraph 0018) to make it more convenient for the consumer (Page 5, paragraph 0066-0069) as disclosed by Lockhart.

13. Claims 12, 15, 16, 27-30, 43, 46, 47, 58-61, 72, 75, 76, 86- 89, 100, 103, 104, 114-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Jennings (US 2003/0088686).

Regarding Claims 12, 43, 72, 100, Son discloses all limitations of Claims 1, 32, 63 and 91 respectively. Son is silent on the delivery of the streaming media content being tracked by the system operator. Jennings discloses a system with a media owner or content server/provider (Page 4, paragraph 0043), a streaming system or service provider (Figure 1, 102), and a plurality of viewers (Figure 1, 116, 118) to communicate with the streaming system to select streaming media including video and audio over an existing network (Figure 1, 120, Page 3, paragraph 0027). Jennings discloses that the system or network operator (Page 6, paragraph 0063) can work with any communication device in the streaming system (Figure 1, 102) including the multimedia switch (MMS) (Figure 1, 110) and the monitors the delivery of each media stream or the delivery of the streaming media content is tracked by the system operator (Page 7, paragraph 0081). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify Son to track the delivery of the streaming media content by the system operator (Page 7, paragraph 0081, Page 6, paragraph 0076) as taught by Jennings in order improve the management of viewers and streaming media (Page 1, paragraph 0006) as disclosed by Jennings.

Regarding Claims 15, 46, 75, 103, Son discloses all limitations of Claims 1, 32, 63 and 91 respectively. Son is silent on a percentage of a fee for delivery of the streaming media content is provided from a streaming media content provider to a system operator. Jennings discloses a system with a media owner or content server/provider (Page 4, paragraph 0043), a streaming system or service provider (Figure 1, 102), and a plurality of viewers (Figure 1, 116, 118) to communicate with the streaming system to select streaming media including video and audio over an existing network (Figure 1, 120, Page 3, paragraph 0027). Jennings discloses that the system or network operator (Page 6, paragraph 0063) can work with any communication device in the streaming system or service provider (Figure 1, 102) and that the service provider or streaming system will share in the revenue with the media owner or content provider generated by the viewers of the media content (Page 4, paragraph 0045), which reads on a percentage of a fee for delivering the content to viewers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Son to include a percentage of a fee for delivery of the streaming media content is provided from a streaming media content provider to a system operator (Page 4, paragraph 0045) as taught by Jennings in order improve the management of viewers,

streaming media, and billing of the viewers (Page 1, paragraph 0006) as disclosed by Jennings.

Regarding Claims 16, 47, 76, 104, Son and Jennings disclose all limitations of Claims 15, 46, 75 and 103 respectively. Jennings discloses that the streaming system has a real time switch management system (RTMS) (Figure 1, 106) which manages the reservation of a viewer's request and that the reservation has a uniform resource locator (URL) which has a unique reservation number, which allows the streaming system to determine which viewer is using which media in order to determine the billing of streaming media or fee for the streaming content is enabled by referral information embedded in a URL associated with the content (Page 5, paragraphs 0052-0057).

Regarding Claims 27, 58, 86, 114, Son discloses all limitations of Claims 1, 32, 63 and 91 respectively. Son is silent on a percentage of a fee for delivery of the streaming media content is provided from a streaming media content provider to a system operator. Jennings discloses a system with a media owner or content server/provider (Page 4, paragraph 0043), a streaming system or service provider (Figure 1, 102), and a plurality of viewers (Figure 1, 116, 118) to communicate with the streaming system to select streaming media including video and audio over an existing network (Figure 1, 120, Page 3, paragraph 0027). Jennings discloses that the media owner is billed for use of an amount of bandwidth when media is transmitted, which reads on allocating a portion of bandwidth of the existing delivery network to a streaming media content provider and billing the content provider based on the amount of allocated bandwidth (Page 4, paragraph 0045). Therefore, it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to modify Son to allocate a portion of bandwidth of the existing delivery network to a streaming media content provider and billing the content provider based on the amount of allocated bandwidth (Page 4, paragraph 0045) as taught by Jennings in order improve the management of viewers and streaming media (Page 1, paragraph 0006) as disclosed by Jennings.

Regarding Claims 28, 59, 87, 115, Son and Jennings disclose all limitations of Claims 27, 58, 86 and 114 respectively. Jennings discloses that the media owner can encode media for establishing rules for media rights; establish orders for access rights of presentations (Page 15, paragraph 0194). Jennings discloses that the media owner manager determines access control and authorizing rights (Page 15, paragraph 0195), source manager of the media owner tracked and stores information (Page 15, paragraph 0196), and media rules manager tracks the rights including access rights and viewer rights (page 15, paragraph 0198). Microsoft Computer Dictionary 5th Edition defines DRM to be a group of technologies developed to protect intellectual property from online piracy by controlling who can view protected content and in what form; DRM technology is meant to protect multiple forms of digital and analog content and includes encryption, digital watermarking, and content tracking software. Therefore, the media owner or content provider controls the DRM of the content and access to the content.

Regarding Claims 29, 60, 88, 116, Son and Jennings disclose all limitations of Claims 27, 58, 86 and 114 respectively. Jennings discloses the content offered by the

content provider is based on one of a subscription basis (Page 9, paragraph 0103) or a pay per use basis (Page 9, paragraph 0103).

Regarding Claims 30, 61, 89, 117, Son and Jennings disclose all limitations of Claims 27, 58, 86 and 114 respectively. Son is silent on the delivery of the streaming media content being tracked by the system operator. Jennings discloses that the system or network operator (Page 6, paragraph 0063) can work with any communication device in the streaming system (Figure 1, 102) including the multimedia switch (MMS) (Figure 1, 110) and the monitors the delivery of each media stream or the delivery of the streaming media content is tracked by the system operator (Page 7, paragraph 0081).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cameron et al (US 2005/0028206 and hereafter referred to as Cameron).

Cameron discloses a headend, is a multimedia delivery system to a user (Figure 1), over an existing delivery network (Figure 1, 25, Figure 2). Cameron discloses that the headend has a transcoder for transcoding the streaming media content from a first format to a second format compatible with a consumer device (Page 2, paragraph 0026).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-

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272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH
April 4, 2006



VIVEK SRIVASTAVA
PRIMARY EXAMINER